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INDEPENDENT PAYPHONE ASSOCIATION OF NEW YORK INC.

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December 6, 2004

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
The Portals
445 12th Street, S.W., Room 8-B115
Washington, DC 20554

EX PARTE COMMUNICATION

Re: Access to Unbundled Network Elements, WC Docket No. 03-225

Dear Chairman Abernathy:

As President of the Independent Payphone Association of New York, I am writing to urge you, in taking action on the pending revision of the Unbundled Network Element (UNE) rules, to ensure that payphone providers continue to have competitive alternatives for their local service needs.

As you know, payphones play a critical role in meeting the needs of the public for communications on the move – especially in emergencies and in disasters such as 9/11. And for many citizens, payphones are the only form of telecommunications available to them on a permanent basis. That is why Congress mandated wide availability of service in the Telecommunications Act. The single largest monthly cost incurred by payphone providers in deploying and maintaining a payphone for public use is the charge paid for local telephone service. Thus, to continue providing these payphones, our members simply must have reliable local service connections at a reasonable cost. Today, our members rely on the availability of competitive telephone company alternatives for local service. Without competitive local service options like UNE-P, there is no market check on what payphone providers may be charged by the incumbent telephone company – who is frequently their competitor in the payphone business.

For payphones, the only competitive alternative that has proved effective to date is UNE-P. Payphones generally do not transmit data and do not need broadband channels; thus, broadband facilities do not provide a viable competitive alternative for payphones. In the last few years, our members have had to remove a large number of their payphones from service because their revenue was insufficient to meet operating costs. The reality is that, without UNE-P, more of the payphones that the American public rely on and need will be removed from service.

Therefore, on behalf of the Independent Payphone Association of New York, I urge you to take steps to ensure that the FCC's revised UNE rules preserve competitive local service alternatives for payphones. Thank you for your consideration.

Sincerely,


Alex Steiner
President

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